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8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. VN-2004-1167

13 CYNTHIA EVONNE VAUGHN
9260 Palm Street Apt 12
Bellflower, CA 90706

A C C U S A T I O N

14 11506 Menlo Avenue,
Los Angeles, California 90044-4112

15 Vocational Nurse License No. VN 159083

16 Respondent.
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19 Complainant alleges:

20 PARTIES

- 21 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this
22 Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational
23 Nursing and Psychiatric Technicians, Department of Consumer Affairs, formerly Board of
24 Vocational Nursing and Psychiatric Technicians (Bureau).
- 25 2. On or about July 31, 1992, the Bureau issued Vocational Nurse License
26 No. VN 159083 to Cynthia Evonne Vaughn (Respondent). The Vocational Nurse License
27 expired on November 30, 2005, and has not been renewed.

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3. This Accusation is brought before the Bureau, under the authority of the

4. Section 820 of the Code states:

“Whenever it appears that any person holding a license, certificate or under this division or under any initiative act referred to in this division is unable to practice his or her profession safely because the licensee is unable to practice safely because the licensee's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licensee to be examined by one or more physicians and surgeons or psychologists designated by the agency. The results of the examination shall be made available to the licensee and may be used as direct evidence in proceedings conducted pursuant to Section 822.”

5. Section 821 of the Code provides:

“The licentiate’s failure to comply with an order issued under Section 820

6. Section 822 of the Code states:

lensing agency determines that its licentiate's ability to practice his or her
sion safely is impaired because the licentiate is mentally ill, or physically ill
ng competency, the licensing agency may take action by any one of the
ing methods:

- (a) Revoking the licentiate's certificate or license.
- (b) Suspending the licentiate's right to practice.
- (c) Placing the licentiate on probation.
- (d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

ensing agency shall not reinstate a revoked or suspended certificate or
until it has received competent evidence of the absence or control of the
on which caused its action and until it is satisfied that with due regard for
blic health and safety the person's right to practice his or her profession may
ly reinstated.”

7. Section 2892.1 of the Code provides that the Bureau may renew an

8. Section 118, subdivision (b), of the Code provides, in pertinent part, that of a license shall not deprive the Bureau jurisdiction to proceed with a disciplinary the period within which the license may be renewed, restored, reissued or

1 reinstated.

2 9. Section 125.3 provides that the Bureau may request the administrative law
3 judge to direct a licensee found to have committed a violation or violations of the licensing act
4 to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

5 **FIRST CAUSE FOR DISCIPLINE**

6 (Failure to Comply with Bureau Order)

7 10. Respondent's vocational nurse license is subject to discipline under
8 Business and Professions Code Section 821 in that she failed to comply with the Bureau's Order
9 to Compel a Psychiatric Examination, as described below:

10 11. On or about April 8, 2008, Regina Rodriguez, an employee of the Bureau
11 of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs, State of
12 California, served by Certified and First Class Mail, a copy of the Bureau's Order to Compel
13 Psychiatric Examination No. VN 2004-1167, Petition for an Order to Compel Psychiatric
14 Examination and cover letter to Respondent's addresses of record with the Bureau, which was
15 and is 9260 Palm Street Apt 12, Bellflower, California 90706 and 11506 Menlo Avenue, Los
16 Angeles, California 90044-4112. The Bureau's Order to Compel Psychiatric Examination No.
17 VN 2004-1167 (hereinafter referred to as the "Order") is incorporated by this reference as
18 though fully set forth herein.

19 12. Service of the Bureau's Order was effective as a matter of law under the
20 provisions of Government Code section 11505, subdivision (c).

21 13. Respondent failed to submit to an examination, within 30 days after
22 service of the Bureau's Order to Compel Psychiatric Examination No. VN 2004-1167, by a
23 physician specializing in psychiatry or by a psychologist selected by the committee or its
24 designee to determine whether Respondent is mentally ill to such an extent as to affect her ability
25 to safely practice nursing.

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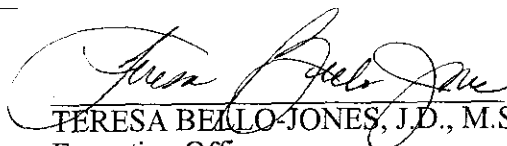
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Bureau of Vocational Nursing and Psychiatric Technicians issue a decision:

1. Revoking or suspending Vocational Nurse License No. VN 159083, issued to Cynthia Evonne Vaughn.
2. Ordering Cynthia Evonne Vaughn to pay the Bureau of Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: September 2, 2008



TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Department of Consumer Affairs
Bureau of Vocational Nursing and Psychiatric Technicians
State of California
Complainant

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